



**COLORADO  
DEPARTMENT  
OF PUBLIC SAFETY**

Chief Lonnie J. Westphal  
Colorado State Patrol  
700 Kipling St.  
Suite 1000  
Denver, CO 80215-5865  
(303) 239-4500  
TDD (303) 239-4505

April 11, 2001

Docket Clerk  
US DOT dockets - Room PL-401  
400 Seventh St SW  
Washington, DC 20590

Ref: Docket No. FMCSA 2000-7017

The Colorado State Patrol **supports** the proposal to extend the safety regulations to operators of small passenger-carrying commercial vehicles used in interstate commerce. The language in TEA-21 seemed very clear that this was necessary and is probably long overdue. The operators of these vehicles should already be following many of the regulations just from a "good business" point of view. It would seem hard to argue against having qualified & rested drivers, safe vehicles and a safety management plan within the carrier's business.

It would appear that bringing in these types of vehicles bring up some other questions that will need to be addressed in the final rule. Concerns as follows:

- Revise the definition of a "**Bus**" in **393.5** since it still refers to more than 15 passengers.
- Revise **392.5** dealing with the alcohol prohibition since luxury limousines are equipped with "wet bars" including alcoholic beverages.
- Evaluate if these vehicles should be stopping at RR grade crossings as the public does not expect passenger (9-15) vans to comply with **392.10**.
- Will these vans & limousines have to meet the window construction, obstruction and marking requirements of **393.61, 62 & 63**?
- Should these vehicles have to be modified to meet the exhaust system requirements of **393.83(c)**? Many vans have side discharge exhaust.
- The applicability to buses of **393.89** - Driveshaft protection; **393.90**-standee line; **393.91** - aisle seats; and **393.92** - marking emergency doors.
- The applicability of **392.62** regarding safe operation of buses.

The Colorado State Patrol believes that the above concerns should be addressed in the final rule as opposed to waiting for interpretations to be drafted one at a time over the next several years.

Bill Owens  
GOVERNOR  
  
C. Suzanne Veneer  
EXECUTIVE DIRECTOR  
  
Colorado State  
Patrol  
  
Colorado Bureau  
of Investigation  
  
Division of  
Criminal Justice



The logic of focusing on the “long-haul” for-hire van operations sure makes sense however, it is not as clear why it is necessary to separate the direct from the indirect compensation. It seems like hotel shuttles, rental car shuttles & limousines rarely leave their local community (or area) and on those occasions should probably be following the safety regulations. The “Direct compensation” definition appears to leave a loophole where it would be fairly easy for a carrier to say he was actually lining up jobs for his passengers and the transportation was just an incidental part of that task. The fact that he is transporting them from Tucson to St Louis would lead enforcement officers to believe they would be subject to the safety regulations but the argument that the transportation is indirect would make it tough to convict in court.

The Colorado State Patrol supports the revision to Part 385 (regarding safety fitness) and the distance based approach to this rulemaking. We also support providing consistency in the regulations relating to Part 398. It doesn’t make sense to treat migrant workers differently than anyone else as far as passenger safety. Part 398 should be eliminated and the necessary regulations should be incorporated in the remaining rules. It seems like this was proposed in the “Zero-based” rulemaking several years ago.

This rulemaking should be beneficial to the traveling public and is certainly appropriate. Thank you for the opportunity to comment on this proposal. Hopefully it will be finalized later this summer.

Sincerely,

Captain Keith G Dameron  
Motor Carrier Safety Section  
Colorado State Patrol

xc: Chief Westphal  
Lt Col Trostel  
Maj Thomas  
Steve Campbell - CVSA  
Tim Davis - CVSA - Passenger Carrier Committee  
Terry Willert - Colo PUC